

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## Meeting Minutes

Monday, June 27, 2005

1:00 PM

City Hall Auditorium

## City Commission

- Mayor Pegeen Hanrahan (At Large)*
- Mayor-Commissioner Pro Tem Chuck Chestnut (District 1)*
- Commissioner Warren Nielsen (At Large)*
- Commissioner Rick Bryant (At Large)*
- Commissioner Ed Braddy (District 2)*
- Commissioner Jack Donovan (District 3)*
- Commissioner Craig Lowe (District 4)*

*Persons with disabilities who require assistance to participate in this meeting are requested to notify the Equal Opportunity Department at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.*

## CALL TO ORDER - 1:06 PM

## ROLL CALL

Present: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

## INVOCATION

## CONSENT AGENDA

*Mayor-Commissioner Pro Tem Chestnut moved and Commissioner Bryant seconded to adopt the Consent agenda with the following modifications.*

*(VOTE: 6-0, Commissioner Braddy - Absent, MOTION CARRIED)*

*1. File #050119 - Award of a Contract for Insurance Broker/Consultant - (Remove from the Consent Agenda and place on the Regular Agenda for discussion and additional back-up submitted).*

*2. File #050126 - Sale of City Owned Properties - (Scrivener's error - Recommendation does not appear on the agenda - revised text file attached).*

## CITY MANAGER, CONSENT AGENDA ITEMS

### **050117      General Employees' Pension Plan Actuarial Valuation Report (B)**

**RECOMMENDATION**    *The City Commission accept the September 30, 2004 actuarial valuation report for the General Plan and approve the recommended employer (City) contribution rate of 3.51% effective October 1, 2005.*

**This Matter was Approved as Recommended on the Consent Agenda.**

### **050118      Retiree Health Care Plan Actuarial Valuation Report (B)**

**RECOMMENDATION**    *The City Commission accept the September 30, 2003 actuarial valuation report for the Retiree Health Care Plan and approve the recommended employer (City) contribution rate of 4.69% of covered payroll effective October 1, 2005 should the bonds not be issued or the rate of 0.50% of covered payroll if the bonds are issued.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**050120 Authorization for Municipal Code Revisions (NB)**

**RECOMMENDATION** *The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance to remove fees from the text of the Code of Ordinance and reflect all fees in Appendix A.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**050121 Settlement of Worker's Compensation Claim - Richard Jumpp (NB)**

**RECOMMENDATION** *The City Commission authorize Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation claim of Richard Jumpp, in the amount of \$43,500.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**050122 Settlement of Worker's Compensation Claim - Miriam Gonzalez (NB)**

**RECOMMENDATION** *The City Commission authorize Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation claim of Miriam Gonzalez, in the amount of \$108,000.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**050123 Modification of Authorization for Use of FY 2003 Retained Earnings for RTS Administrative and Operations Building Expansion (NB)**

**RECOMMENDATION** *The City Commission: 1) authorize the Regional Transit System to use available retained earnings, as recommended; and 2) authorize the Interim City Manager or designee to approve the use of these funds.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**050124 Amendment to Mutual Aid Agreement Between the Gainesville Police Department and the University of Florida Police Department (B)**

**RECOMMENDATION** *The City Commission authorize the Interim City Manager to amend the Mutual Aid Agreement between the Gainesville Police Department and the University of Florida Police Department, subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

**050125 Contract with Florida Department of Corrections for Inmate Work Crew Program (B)**

**RECOMMENDATION** *The City Commission: 1) authorize the Interim City Manager or designee to enter into a contract with the Florida Department of Corrections for a contractual inmate work crew not to exceed \$55,773, subject to approval by City Attorney as to form and legality; and 2) authorize the contract to be renewed annually, subject to funding availability and that adequate performance has been demonstrated.*

This Matter was Approved as Recommended on the Consent Agenda.

**050126 Sale of City Owned Properties (NB)**

**RECOMMENDATION** *The City Commission: 1) declare the properties located at 1212 Northeast 22nd Street, 1104 Northeast 22nd Street, 1221 Northeast 21st Street, 2232 Northeast 12th Avenue, 1129 Northeast 21st Court South, and 1103 Northeast 21st Court South as surplus properties; 2) authorize the sale of 1212 Northeast 22nd Street, 1104 Northeast 22nd Street, 1221 Northeast 21st Street, and 2232 Northeast 12th Avenue at market value to eligible low-income homebuyers that will be identified at a future date; 3) authorize the Housing Division to use the net sales proceeds from the sale of the properties located at 1212 Northeast 22nd Street, 1104 Northeast 22nd Street, 1221 Northeast 21st Street, and 2232 Northeast 12th Avenue to construct new homes on the Cedar Grove II lots located at 1103 Northeast 21st Court South, and 1129 Northeast 21st Court South; 4) authorize the sale of the newly constructed homes to be located at 1129 Northeast 21st Court South, and 1103 Northeast 21st Court South, at market value to eligible low-income homebuyers that will be identified at a future date; 5) authorize the Housing Division to provide the grants and /or subsidies required to make the purchase of the properties affordable for the low-income homebuyers; 6) authorize the City Manager or designee to execute the required purchase and sale agreements, grant or subsidy agreements and any other certifications or assurances required to transfer ownership to the homebuyers that will be identified at a later date; 7) authorize the Mayor and Clerk of the Commission to execute the warranty deeds required to transfer titles to the low-income homebuyers that will be identified at a later date; 8) authorize the Housing Division to use any of the standard Cedar Grove II program subsidies, and purchase and sale documents to consummate the*

*transactions, subject to approval by the City Attorney as to form and legality; and 9) authorize the City Manager or designee to deposit the net sale proceeds from the sale of the properties located at 1129 Northeast 21st Court South, and 1103 Northeast 21st Court South into the Cedar Grove II foreclosure acquisition reserve fund.*

**This Matter was Approved as Recommended on the Consent Agenda.**

## **GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**

### **050133 Approval of Change Order to Bob's Barricades for University Avenue Lane Closure (NB)**

**RECOMMENDATION** *The City Commission approve the issuance of a change order to Bob's Barricades for the lane closure between the 2200 and 3400 blocks of University Avenue for the Electric Transmission and Distribution department in an amount not to exceed \$38,000 (new not-to-exceed amount of \$55,000).*

**This Matter was Approved as Recommended on the Consent Agenda.**

### **050134 Contract for Janitorial Services (B)**

**RECOMMENDATION** *The City Commission: 1) authorize the General Manager, or his designee to execute contracts with Coverall of North Central Florida, for janitorial services for the Deerhaven Generating Station and System Control Center, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders to Coverall of North Central Florida in amounts not exceeding \$29,000 for a one year period, commencing July 2005.*

**This Matter was Approved as Recommended on the Consent Agenda.**

### **050135 Approval of Purchase Order for Modular Building (B)**

**RECOMMENDATION** *The City Commission authorize the General Manager, or his designee, to purchase a modular building from Resun Leasing Inc. for GRU's Transmission and Distribution department in an amount not to exceed \$50,000.00 and to execute any necessary documents in conjunction with the purchase.*

**This Matter was Approved as Recommended on the Consent Agenda.**

## **CITY ATTORNEY, CONSENT AGENDA ITEMS**

**050131 KATHY BUTLER AND ALLEN BUTLER, HER HUSBAND VS. CITY OF GAINESVILLE; ALACHUA COUNTY CIRCUIT COURT; CASE NO. 01-05-CA-2137 (B)**

**RECOMMENDATION** *The City Commission authorize the City Attorney to represent the City in the case styled Kathy Butler and Allen Butler, her husband vs. City of Gainesville; Alachua County Circuit Court; Case No.: 01-05-CA-2137.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**

**050137 City Commission Minutes (B)**

**RECOMMENDATION** *The City Commission approve the minutes of June 13, 2005 (Regular Meeting); and June 14, 2005; (Special Meeting); as circulated.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**050138 Resignation of Water Management Committee Member Joe D. Wills (B)**

**RECOMMENDATION** *The City Commission accept the resignation of Joe D. Wills from the Water Management Committee effective immediately.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

**050104 Amendment to the Commerce Project Development Agreement (B)**

**RECOMMENDATION** *The City Commission approve the amendment, authorize the Clerk to attest and the Mayor to execute the amendment.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**Passed The Consent Agenda**

**A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Bryant, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Rick Bryant, Craig Lowe and Jack Donovan  
Absent: Edward Braddy

## **END OF CONSENT AGENDA**

## **ADOPTION OF THE REGULAR AGENDA**

*Commissioner Nielsen moved and Commissioner Donovan seconded to adopt the Regular Agenda with the following modifications:*

*(VOTE: 6-0, Commissioner Braddy - Absent, MOTION CARRIED)*

- 1. File #050021 - Semi-Finalist for the City Manager Selection Process - Waive the Rules to hear the presentation from Dr. Tom Freijo at 1:00 PM and additional back-up submitted.*
- 2. File #050136 - Water Management Committee Annual Update Presentation - (Withdraw from the agenda).*
- 3. Resolution Authorizing the Issuance of Taxable Other Post Employment Benefits Obligation bonds, Series 2005 - (Waive the rules to hear this item at 6:00 PM, immediately after the Proclamations).*
- 4. New Item - Under "Clerk of the Commission" The City Commission schedule special meetings.*
- 5. File #050132 - Resolution - United States Conference of Mayors' Climate Protection Agreement - (Additional back-up submitted)*
- 6. File #041185 - Rezoning - Girls Club of Alachua County - (Additional back-up submitted)*

## **WAIVER OF RULES**

*NOTE: It was approved on adoption of the Regular Agenda that File #050021 be heard first.*

*Commissioner Braddy entered the meeting room at 1:29 PM.*

### **050021**

#### **Semi-Finalist for the City Manager Selection Process (NB)**

*Dr. Tom Freijo, Senior Vice President of the Mercer Group gave a presentation.*

*City of Gainesville Human Resources Analyst Jan Stillman made Comments.*

*Chair Hanrahan recognized Citizens Reverend Earl Young, Gabe Kaimowitz and Walter Willard who spoke to the matter.*

*RECESS: 2:49 PM*

*RECONVENE: 3:05 PM*

*MOTION: Commissioner Braddy moved and Commissioner Bryant seconded to approve the following candidates to continue in the process and encourage Dr. Freijo to use his skills to broaden the diversity of the pool, if possible.*

- 1. Duncan Ballantyne*
- 2. Russ Blackburn*
- 3. Barbara Lipscomb*
- 4. Rex Taylor*
- 5. Tom Brymer*
- 6. Larry Deetjen*
- 7. Michael Wright*
- 8. Tony O'Rourke*
- 9. Steve Thompson*
- 10. Richard White*

**RECOMMENDATION** *The City Commission approve a semi-finalist list of candidates and take any other action that is deemed appropriate.*

**A motion was made by Commissioner Braddy, seconded by Commissioner Bryant, that this matter be Approved, as shown above. The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

## **CHARTER OFFICER UPDATES**

## **CLERK OF THE COMMISSION**

### **050037 Invocation Policy (B)**

*NOTE: This item was continued to the next regular City Commission Meeting (July 11, 2005).*

**RECOMMENDATION** *The City Commission approve the invocation instruction invitation letter and formally adopt a first come, first serve policy and encourage local religious organizations to contact the Clerk's Office to be scheduled for the invocation.*

**Continued**



**050142 City Commission Special Meetings (NB)**

*Schedule a Joint City/County Commission Meeting to discuss Street Lights and Fire Hydrants for August 11, 2005 @ 6:00 PM; and a Special City Commission Meeting Re: Continuation of the City Commission Retreat (Held June 23, 2005) and Annexation Issues for Thursday July 7, 2005 @ 6:00 PM.*

**RECOMMENDATION** *The City Commission schedule two special meetings.*

**Approved, as shown above**

**CITY MANAGER**

**050019 Update from Florida Community Design Center (NB)**

*Chair Hanrahan recognized Steve Schell of the Florida Community Design Center who gave an update on the Design Center.*

**RECOMMENDATION** *The City Commission hear an update from the Florida Community Design Center.*

**Heard**

**050127 Economic Development Peer City: Part IV - Conclusions and Recommendations (B)**

*City of Gainesville Economic Development Director Erik Bredfeldt gave a presentation.*

**RECOMMENDATION** *The City Commission hear a presentation on conclusions and recommendations associated with the final component of the Peer City Report series.*

**Heard**

*NOTE: Discussion of File #050119 "Award of a Contract for Insurance Broker/Consultant" began in the afternoon portion of the agenda and was continued immediately after the Proclamations.*

**GENERAL MANAGER FOR UTILITIES**

**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**WATER MANAGEMENT COMMITTEE**

**050136 Water Management Committee Annual Update Presentation (NB)**

RECOMMENDATION *The City Commission: 1) Hear a presentation from the Water Management Committee; and 2) Approve Water Management Committee to pursue and complete the 2005 Workplan.*

**Withdrawn**

**PUBLIC SAFETY COMMITTEE**

**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**

**OUTSIDE AGENCIES**

**MEMBERS OF THE CITY COMMISSION**

**COMMISSION COMMENTS (if time available)**

**COMMISSION COMMENTS (if time available)**

**RECESS - 5:09 PM**

**RECONVENE - 5:35 PM**

**CITIZEN COMMENT**

**Gabe Kaimowitz**

*Racial Issues/City Attorney Fees*

**Pat Fitzpatrick**

*Homeless Issues - One Percent for the People Initiative*

**Candy Ganya**

*Homeless Issues - One Percent for the People Initiative*

**Arupa Freeman**

*Homeless Issues - One Percent for the People Initiative*

**Joe Jackson**

*Homeless Issues - One Percent for the People Initiative*

**Sue Webster**

*Homeless Issues - One Percent for the People Initiative*

**Dan Fitzpatrick**

*Homeless Issues - One Percent for the People Initiative*

**Corey Pishko**

*Homeless Issues - One Percent for the People Initiative*

**Elizabeth McCulloch**

*Homeless Issues - One Percent for the People Initiative*

**Charles Keeney**

*Homeless Issues - One Percent for the People Initiative*

**Norma Green**

*The Preserve - Funding Request for \$30,000*

**Tom Mason**

*The Preserve - Funding Request for \$30,000*

**Ronald Hall**

*The Preserve - Funding Request for \$30,000*

**Rob Brinkman**

*Homeless Issues - One Percent for the People Initiative*

**050143 Homeless Proposal - One Percent for the People Initiative (B)**

**RECOMMENDATION** *The City Commission refer the Homeless Proposal - One Percent for the People Initiative to staff for a report at the next Community Redevelopment Agency (CRA) meeting, July 18, 2005 at 3:00 PM.*

**A motion was made by Commissioner Braddy, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Referred to the City Manager, due back on July 18, 2005. The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

**050146 The Preserve Funding Request (B)**

**RECOMMENDATION** *The City Commission request that staff bring a report back regarding the \$30,000 request for staffing of The Preserve facility at the July 11, 2005 regular City Commission meeting.*

**Approved as Recommended and Referred to City Manager**

**Raquel Garcia**

*Public Access Television*

**PLEDGE OF ALLEGIANCE (6:00pm)****Gator Detachment Marine Corps League****PROCLAMATIONS/SPECIAL RECOGNITIONS****050139 Officer Brett A. Kikendall & Driver/Operator William B. Blair Day - June 27, 2005 (B)**

**RECOMMENDATION** *Gainesville Fire Rescue Officer Brett A. Kikendall & Driver/Operator William B. Blair to accept the proclamation for their actions above and beyond the call of duty.*

**Heard**

**050140 University of Florida 100th Anniversary (B)**

**RECOMMENDATION** *William Thomas Hawkins, Jr. (Major Thomas's great grandson), Jane Adams, Vice President for University Relations and Florida Bridgewater-Alford, Community Relations Coordinator to accept the Proclamation.*

Heard

## PUBLIC HEARINGS

## WAIVER OF RULES

*Commissioner Braddy moved and Commissioner Nielsen seconded to waive the rules to continue to hear item # 050119 at this time.  
(VOTE: 7-0, MOTION CARRIED)*

### **050119 Award of A Contract for Insurance Broker/Consultant (B)**

*NOTE: Discussion of this item began during the afternoon portion of the agenda and the rules were waived to hear it immediately after the proclamations.*

*City of Gainesville Risk Management Director Steve Varvel, Finance Director Mark Benton and Purchasing Manager Aleta Cozart gave presentations.*

*Chair Hanrahan recognized Public Risk Insurance Agency (PRIA) Representatives Mr. Tony Grippa and Mr. Paul Dawson who spoke to the matter.*

*MOTION: Commissioner Nielsen moved and Commissioner Chestnut seconded to: 1) Postpone the award of the contract consideration of the bid this evening; and 2) authorize staff to negotiate an extension for services with Arthur J. Gallagher for an interim period of time; and 3) come back to the City Commission at the next regular City Commission Meeting (July 11, 2005), for an approval of that contract or a determination on this bid.*

*Chair Hanrahan recognized Walter Willard who spoke to the matter.*

**RECOMMENDATION** *The City Commission: 1) approve the selection of Arthur J. Gallagher and Company for the purpose of providing insurance brokerage/consultation for the City's property, casualty and Worker's Compensation programs; and 2) authorize the City Manager or designee to negotiate and enter into an agreement with Arthur J Gallagher and Company for three years, effective July 1, 2005, with the possibility for two (2) one year extensions, subject to approval of the City Attorney as to form and legality.*

**A motion was made by Commissioner Nielsen, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Approved, as shown above. The motion carried by the following vote:**

Votes: Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

050128

**RESOLUTION AUTHORIZING THE ISSUANCE OF TAXABLE OTHER POST EMPLOYMENT BENEFITS OBLIGATION BONDS, SERIES 2005 (B)**

A resolution of the City of Gainesville, Florida, amending resolution No. 020919, supplementing resolution No. 020918 and providing for and authorizing the issuance of the City's Taxable Other Post Employment Benefits Obligation Bonds, Series 2005 in an original aggregate principal amount not to exceed \$45,000,000 to fund the unfunded retiree health care obligations of the City; authorizing the Interim City Manager, the Administrative Services Director or the Finance Director to award the sale of such bonds to Citigroup Global Markets Inc. in accordance with certain parameters set forth herein; approving the form and authorizing the execution and delivery of a bond purchase contract; appointing J.P. Morgan Trust Company N.A. as paying agent and registrar with respect to such bonds; approving the form and authorizing the circulation of a preliminary official statement and authorizing the execution and delivery of a final official statement; authorizing the Interim City Manager, the Administrative Services Director or the Finance Director to deem final the preliminary official statement; authorizing the Interim City Manager, the Administrative Services Director or the Finance Director to accept the terms of a commitment for municipal bond insurance from MBIA Insurance Corporation; approving the form and authorizing the execution of a continuing disclosure certificate; authorizing certain officials of the City to execute any documents and take any actions required in connection with the issuance of said bonds; providing an effective date for this resolution; and providing certain other details with respect thereto.

*NOTE: The rules were waived during the adoption of the Regular Agenda to hear this item before the remainder of the Public Hearings.*

*City of Gainesville Finance Director Mark Benton and City's Bond Counsel Mr. Ed Vogel of Holland & Knight gave presentations.*

*Chair Hanrahan recognized Citizen Walter Willard who spoke to the matter.*

**RECOMMENDATION** *The City Commission: 1) adopt the resolution authorizing and providing for the issuance of the Taxable Other Post Employment Benefits Obligation Bonds, Series 2005 to retire the Retiree Health Care Plan's Unfunded Actuarial Accrued Liability; and 2) authorize the Interim City Manager, Administrative Services Director, and Finance Director to retain the required professional services to implement this issue and to take the other actions provided for in the resolution.*

A motion was made by Commissioner Nielsen, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Adopted (Resolution) and Approved the Recommendation. The motion carried by the following vote:

Votes: Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

## ADOPTION READING-ROLL CALL REQUIRED

### 030453 LAND USE CHANGE - 1005 & 1007 S.W. 13TH STREET (B)

**Ordinance No. 0-05-09, Petition 110LUC-04PB**

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by overlaying the land use category of "Planned Use District" on certain property with the underlying land use category of "Residential Low-Density (up to 12 units per acre)"; located in the vicinity of 1005 and 1007 Southwest 13th Street; providing conditions; providing a severability clause; and providing an effective date.

*City of Gainesville Planning Manager Ralph Hilliard gave a presentation.*

**RECOMMENDATION** *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Nielsen, seconded by Commissioner Donovan, that this matter be Adopted (Ordinance) on Adoption Reading. The motion carried by the following vote:

Votes: Aye: Pegeen Hanrahan, Warren Nielsen, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan  
Absent: Chuck Chestnut

## ORDINANCES, 1ST READING- ROLL CALL REQUIRED

### 030454 PLANNED DEVELOPMENT - WILDFLOWER (B)

**Ordinance No. 0-05-10, Petition No. 111PDV-03PB**

An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City and amending the Zoning Map Atlas from "RMF-5: 12 units/acre single-family/multiple family residential district "; to "Planned Development District", commonly known as "Wildflower Planned Development"; located in the vicinity of 1005 and 1007 S.W. 13th Street and consisting of approximately 5.7 acres; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement and penalties; providing a severability clause; and providing an immediate effective date.

*City of Gainesville Planning Manager Ralph Hilliard gave a presentation.*

**RECOMMENDATION** *The City Commission adopt the proposed ordinance.*

**A motion was made by Commissioner Bryant, seconded by Commissioner Nielsen, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:**

Votes: Aye: Pegeen Hanrahan, Warren Nielsen, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan  
Absent: Chuck Chestnut

031253

**COMPREHENSIVE PLAN AMENDMENT - TCEA (B)****Ordinance No. 0-05-17; Petition 79CPA-04 PB**

**An ordinance of the City of Gainesville, Florida, amending the Concurrency Management Element of the City of Gainesville 2000-2010 Comprehensive Plan; adding Zone C to the Transportation Concurrency Exception Area; adding policies for Zone C; amending other policies to update the Element; amending Capital Improvements Element and Future Land Use Elements to implement the TCEA expansion; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.**

*City of Gainesville Planning Manager Ralph Hilliard and Senior Planner Onelia Lazzari gave presentations.*

**RECOMMENDATION** *The City Commission adopt the proposed ordinance at the transmittal stage.*

**A motion was made by Commissioner Nielsen, seconded by Commissioner Bryant, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:**

Votes: Aye: Pegeen Hanrahan, Warren Nielsen, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan  
Absent: Chuck Chestnut

031252

**COMPREHENSIVE PLAN AMENDMENT (TCEA) (B)****Ordinance No. 0-05-16; Petition 78LUC-04 PB**

**An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; amending the City of Gainesville Future Land Use, Transportation Mobility and Concurrency Management Elements' Map Series and Legal Descriptions to add a Zone C to the Transportation Concurrency Exception Area (TCEA) containing areas annexed in the Archer Road/Southwest area annexation; amending the Future Land Use Map Series to expand the Designated Urban Redevelopment area to include the Archer Road/Southwest area annexation; amending the existing and potential transit hubs, terminals, transfer stations map, Transportation Mobility Map Series; amending the Concurrency Management Element Map Series to add a NW 13th Street Special Concurrency Redevelopment Area Map; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.**

**RECOMMENDATION** *The City Commission adopt the proposed ordinance at the*



*transmittal stage.*

**A motion was made by Commissioner Nielsen, seconded by Commissioner Bryant, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:**

Votes: Aye: Pegeen Hanrahan, Warren Nielsen, Edward Braddy, Rick Bryant and Jack Donovan  
Absent: Chuck Chestnut and Craig Lowe

**041050 LAND USE CHANGE - PORTOFINO SUBDIVISION (B)**

**Ordinance No. 0-05-42, Petition 16LUC-05PB**

**An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain properties annexed into the City from the Alachua County land use category of "LOW, Low Density Residential" to the City of Gainesville land use category of "Single-Family (up to 8 units per acre)"; consisting of approximately 34 acres; located at the south side of Southwest 24th Avenue, west of I-75 and east of Tower Road; providing a severability clause; providing a repealing clause; and providing an effective date.**

*City of Gainesville Planner Jason Simmons and Interim Assistant City Manager Teresa Scott gave presentations.*

*Chair Hanrahan recognized Rob Brinkman who spoke to the matter.*

**RECOMMENDATION** *The City Commission: 1) approve Petition No. 16LUC-05PB; and 2) adopt the proposed ordinance on first reading.*

**A motion was made by Commissioner Bryant, seconded by Commissioner Nielsen, that this matter be Approved (Petition) and Adopted on First Reading (Ordinance). The motion carried by the following vote:**

Votes: Aye: Pegeen Hanrahan, Warren Nielsen, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan  
Absent: Chuck Chestnut

**041186 LAND USE CHANGE - BLUES CREEK (B)**

**Ordinance No. 0-05-54, Petition 48LUC-05PB**

**An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use categories of certain properties annexed into the City from the Alachua County land use category of "LOW, Low Density Residential" to the City of Gainesville land use category of "Residential Low-Density (up to 12 units per acre)", as more specifically described in this Ordinance, generally located in the vicinity of the 7200 block of N.W. 52nd Terrace; providing a severability clause; providing a repealing clause; and providing an effective date.**

*City of Gainesville Planning Manager Ralph Hilliard gave a presentation.*

**RECOMMENDATION** *The City Commission: 1) approve Petition No. 48LUC-05PB; and 2) adopt the proposed ordinance on first reading.*

**A motion was made by Commissioner Nielsen, seconded by Commissioner Donovan, that this matter be Approved (Petition) and Adopted on First Reading (Ordinance). The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan  
Absent: Chuck Chestnut

**041189 LAND USE CHANGE - COFRIN PROPERTY (B)**

**Ordinance No. 0-05-65, Petition 51LUC-05PB**

**An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; by changing the land use categories of certain property from "Single-Family (up to 8 units per acre)" to "Conservation" and "Public Facilities"; consisting of approximately 30 acres, located in the vicinity of the north side of Northwest 8th Avenue, at 4810 and 4910 N.W. 8th Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.**

**RECOMMENDATION** *The City Commission: 1) approve Petition No. 51LUC-05PB; and 2) adopt the proposed ordinance on first reading.*

**A motion was made by Commissioner Lowe, seconded by Commissioner Nielsen, that this matter be Approved (Petition) and Adopted on First Reading (Ordinance). The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan  
Absent: Chuck Chestnut

**041190 LAND USE CHANGE - KIRKWOOD (B)**

**Ordinance No. 0-05-56, Petition 52LUC-05PB**

**An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use categories of certain properties from "Single-Family (up to 8 units per acre)" to "Conservation", as more specifically described in this Ordinance, generally located in the vicinity of 3304 South Main Street; providing a severability clause; providing a repealing clause; and providing an effective date.**

*City of Gainesville Planner Jason Simmons gave a presentation.*

**RECOMMENDATION** *The City Commission: 1) approve Petition No. 52LUC-05PB; and 2) adopt the proposed ordinance on first reading.*

**A motion was made by Commissioner Nielsen, seconded by Commissioner Lowe, that this matter be Approved (Petition) and Adopted on First Reading (Ordinance). The motion carried by the following vote:**

Votes: Aye: Pegeen Hanrahan, Warren Nielsen, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan  
Absent: Chuck Chestnut

**040796**                    **AMENDMENTS TO CHAPTER 9, ELECTIONS (B)**

**Ordinance No. 0-05-71**

**An ordinance of the City of Gainesville, Florida, Chapter 9, Elections; amending Section 9-5 of the Code of Ordinances, providing that the proclamation calling the election shall be issued at least thirty days prior to the election; renumbering Section 9-11 to Section 9-10 of the Code of Ordinances, providing that this section only pertains to qualifications of candidates for city commission; creating a new Section 9-11 of the Code of Ordinances, providing for campaign contribution limitations and campaign finance reports; providing directions to the Codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*City of Gainesville Legal Extern Joshua Cossey gave a presentation.*

*Chair Hanrahan recognized Citizens Susan Wright and Rob Brinkman who spoke to the matter.*

**RECOMMENDATION**    *The City Commission adopt the proposed ordinance.*

**A motion was made by Commissioner Nielsen, seconded by Commissioner Bryant, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:**

Votes: Aye: Pegeen Hanrahan, Warren Nielsen, Rick Bryant, Craig Lowe and Jack Donovan  
Nay: Edward Braddy  
Absent: Chuck Chestnut

**050064**                    **TRESPASS TOWING ADMINISTRATIVE FEE (B)**

**ORDINANCE NO. 0-05-70**

**An ordinance of the City of Gainesville, Florida, amending section 14.5-26(a) of the Code of Ordinances, to clarify that the administrative fee for processing towing applications applies to all trespass towing regulated by ordinance; applies whenever a property owner changes towing vendor and is an annual fee; amending the Police section of Appendix A, Schedule of Fees, Rates and Charges to specify an administrative fee for processing trespass towing applications; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing a retroactive effective date of July 1, 2005.**

**RECOMMENDATION**    *The City Commission adopt the proposed ordinance.*

**A motion was made by Commissioner Lowe, seconded by Commissioner Bryant, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:**

Votes: Aye: Pegeen Hanrahan, Rick Bryant, Craig Lowe and Jack Donovan  
Absent: Warren Nielsen, Chuck Chestnut and Edward Braddy

## ORDINANCES, 2ND READING- ROLL CALL REQUIRED

### 041241 SPECIAL INSPECTIONS AMENDMENT TO THE FEE SCHEDULE, APPENDIX A (B)

#### Ordinance No. 0-05-51

An ordinance of the City of Gainesville, Florida, relating to user fees; amending Appendix A of the Code of Ordinances to include under Building and Building Regulation a fee for special inspection services for certain single family, multi-family, and mixed use development projects; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

**A motion was made by Commissioner Lowe, seconded by Commissioner Bryant, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

Votes: Aye: Pegeen Hanrahan, Warren Nielsen, Rick Bryant, Craig Lowe and Jack Donovan  
Absent: Chuck Chestnut and Edward Braddy

### 040918 STREET VACATION (B)

#### Ordinance No. 0-05-39, Petition 196SVA-04PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a 15-foot alley running west of Southeast 11th Street (a/k/a Williston/Waldo Road) to the abandoned rail line (bicycle rail trail) in Block 28, New Gainesville, as recorded in Plat Book A, page 65, Public Records of Alachua County, Florida; reserving a utility easement; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

**A motion was made by Commissioner Nielsen, seconded by Commissioner Lowe, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

Votes: Aye: Pegeen Hanrahan, Warren Nielsen, Rick Bryant, Craig Lowe and Jack Donovan  
Absent: Chuck Chestnut and Edward Braddy

### 041054 REZONING - 800 BLOCK OF SOUTHEAST 11TH STREET (B)

#### Ordinance No. 0-05-45, Petition No. 28ZON-05PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map

Atlas and rezoning certain property within the City from "PS: Public services and operations district" to "RSF-3: 5.8 units/acre single-family residential district"; located in the vicinity of the 800 block of Southeast 11th Street, east side, consisting of approximately 4.8 acres; providing a severability clause; providing a repealing clause; and providing an effective date.

**RECOMMENDATION** *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Lowe, seconded by Commissioner Nielsen, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Pegeen Hanrahan, Warren Nielsen, Rick Bryant and Craig Lowe  
Absent: Chuck Chestnut, Edward Braddy and Jack Donovan

041185

**REZONING - GIRLS CLUB OF ALACHUA COUNTY (B)**

Ordinance No. 0-05-53, Petition No. 47ZON-05PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and changing the zoning of certain property with the category of "PS: Public services and operations district" to permit the use of a charter school, in addition to the current permitted uses of after school and summer day camp recreational programs and accessory community activities; without the requirement of a minor development plan; located in the vicinity of 2101 N.W. 39th Avenue; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*City of Gainesville Planning Manager Ralph Hilliard and Assistant City Manager Teresa Scott gave presentations.*

**RECOMMENDATION** *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Nielsen, seconded by Commissioner Lowe, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Pegeen Hanrahan, Warren Nielsen, Rick Bryant and Jack Donovan  
Absent: Chuck Chestnut, Edward Braddy and Craig Lowe

**RESOLUTIONS- ROLL CALL REQUIRED**

050129

Final single-lot replat approval of Lot 32 of Wimberly Estates - Myrick's Addition located at 4006 NW 36th Terrace. Petition 145SUB-04 CC (B)

*City of Gainesville Chief of Current Planning Lawrence Calderon gave a presentation.*

**RECOMMENDATION** *Planning Staff to City Commission - The City Commission adopt the following resolution: A Resolution approving the final replat of "Wimberly Estates-Myricks Addition Replat of*

*Lot 32" located at 4006 Northwest 36th Terrace, Gainesville, Florida; and providing an immediate effective date.*

**A motion was made by Commissioner Nielsen, seconded by Commissioner Donovan, that this matter be Adopted (Resolution). The motion carried by the following vote:**

Votes: Aye: Pegeen Hanrahan, Warren Nielsen, Rick Bryant and Jack Donovan  
Absent: Chuck Chestnut, Edward Braddy and Craig Lowe

**050130**

**A resolution of the City Commission of the City of Gainesville, Florida, designating a brownfields redevelopment area in the City of Gainesville, Florida comprised of the proposed University Corners project, for the purpose of environmental remediation, rehabilitation, and economic development, authorizing the City Manager to notify the Florida Department of Environmental Protection of said designation; and providing an effective date. (B)**

*City of Gainesville CRA Project Coordinator Matt Dube' gave a presentation.*

**RECOMMENDATION** *City Commission adopt the proposed resolution to designate the University Corners site as a state Brownfield Area.*

**A motion was made by Commissioner Lowe, seconded by Commissioner Nielsen, that this matter be Adopted (Resolution). The motion carried by the following vote:**

Votes: Aye: Pegeen Hanrahan, Warren Nielsen, Craig Lowe and Jack Donovan  
Absent: Chuck Chestnut, Edward Braddy and Rick Bryant

**050132**

**UNITED STATES CONFERENCE OF MAYORS' CLIMATE PROTECTION AGREEMENT (B)**

**A Resolution of the City Commission of the City of Gainesville, Florida; endorsing the United States Conference of Mayors' Climate Protection Agreement; authorizing the Mayor to support the Agreement; providing directions to the Clerk of the Commission; and providing an immediate effective date.**

*Chair Hanrahan recognized Citizens Bill Schilling and Rob Brinkman who spoke to the matter.*

**RECOMMENDATION** *The City Commission adopt the proposed resolution.*

**A motion was made by Commissioner Lowe, seconded by Commissioner Nielsen, that this matter be Adopted (Resolution). The motion carried by the following vote:**

Votes: Aye: Pegeen Hanrahan, Warren Nielsen, Rick Bryant, Craig Lowe and Jack Donovan  
Absent: Chuck Chestnut and Edward Braddy

**PLAN BOARD PETITIONS****DEVELOPMENT REVIEW BOARD PETITIONS****SCHEDULED EVENING AGENDA ITEMS****040424 Bar Closing Times - Discussion with University of Florida Student Government (B)**

*MOTION: Commissioner Bryant moved and Commissioner Nielsen seconded to table this item.*

*(VOTE: 6-0, Commissioner Chestnut, Absent, MOTION CARRIED)*

*Chair Hanrahan recognized UF Student Government Representative Thomas Philpot, Citizen Mark Goldstein, Vice President of Student Affairs Dr. Patricia Teays-Irving, UF Student Jason Leuten, Gainesville Police Officer Jeff McAdams, UF Student Fletcher Rush, Associate Professor in Community Health and Family Medicine and Director of Student Health Services at UF Dr. Phillip Barkley, UF Student Body Treasurer Lindsay Cassini, UF Student William Spicola, and UF Student Body President Joel Goldberg who spoke to the matter.*

*WAIVER OF RULES: Commissioner Nielsen moved and Commissioner Lowe seconded to waive the rules to extend the meeting to 11:15 PM.*

*(VOTE: 6-0, Mayor-Commissioner Pro Tem Chestnut - Absent, MOTION CARRIED)*

*WAIVER OF RULES: Commissioner Braddy moved and Commissioner Nielsen seconded to waive the rules to extend the meeting to 11:25 PM.*

*(VOTE: 6-0, Mayor-Commissioner Pro Tem Chestnut - Absent, MOTION CARRIED)*

*WAIVER OF RULES: Commissioner Bryant moved and Commissioner Nielsen seconded to waive the rules to extend the meeting to 11:30 PM.*

*(VOTE: 6-0, Mayor-Commissioner Pro Tem Chestnut - Absent, MOTION CARRIED)*

**RECOMMENDATION** *The City Commission 1) receive and accept the Public Safety Committee report and recommendation to make no changes to the ordinance, maintaining the bar closing hours at 2:00 a.m., and 2) remove this item from the Public Safety Committee's pending referral list.*

**A motion was made by Commissioner Bryant, seconded by Commissioner Nielsen, that this matter be Tabled. The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan  
Absent: Chuck Chestnut

**UNFINISHED BUSINESS**

## COMMISSION COMMENT

### Commissioner Warren Nielsen

*Old Archer Road Rail Trail and Westside Park Trail Referrals*

*See following referral items #050147 and 050148.*

#### **050147 Old Archer Road Rail Trail (NB)**

**RECOMMENDATION** *The City Commission ask the City Manager to 1) Investigate the circumstances along the Old Archer Road Rail Trail and bring back a report regarding the progress and the future of that rail trail; and 2) in addition a report of future tree plantings at the trail to make it more functional.*

**A motion was made by Commissioner Nielsen, seconded by Commissioner Bryant, that this matter be Referred to the City Manager, due back on December 27, 2005. The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan  
Absent: Chuck Chestnut

#### **050148 Westside Park Trail Safety Issues (NB)**

**RECOMMENDATION** *The City Commission requests that the City Manager provide a report regarding safety and liability issues at the Westside Park Trail, due to the roots growing on the trail.*

**A motion was made by Commissioner Nielsen, seconded by Commissioner Bryant, that this matter be Referred to the City Manager, due back on December 27, 2005. The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan  
Absent: Chuck Chestnut

## CITIZEN COMMENT (If time available)

## ADJOURNMENT - 11:27 PM

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Kurt M. Lannon, Clerk of the Commission